

House File 147 - Introduced

HOUSE FILE 147

BY MASCHER

A BILL FOR

1 An Act requiring consumer labeling information for food, and
2 including penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 189B.1 Short title.

2 This chapter shall be known and may be cited as the "*Consumer*
3 *Labeling Information for Food Act*".

4 Sec. 2. NEW SECTION. 189B.2 Purpose.

5 The purpose of this chapter is to allow Iowans greater
6 access to information about the food they and their families
7 consume, recognizing that such information is indispensable to
8 the exercise of informed consumer choice in a free and open
9 marketplace.

10 Sec. 3. NEW SECTION. 189B.3 Definitions.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Department*" means the department of agriculture and land
14 stewardship.

15 2. "*Food item*" means any raw, cooked, or processed edible
16 substance used or intended for use or sale in whole or in part
17 for human consumption.

18 3. "*Genetic engineering*" means the process of altering an
19 organism's genetic material by the application of in vitro
20 nucleic acid techniques or the fusion of cells in a manner
21 that does not occur by natural multiplication or natural
22 recombination.

23 Sec. 4. NEW SECTION. 189B.4 Labeling standards.

24 1. a. A person manufacturing a packaged food item shall
25 disclose whether the food item was or may have been subjected
26 to genetic engineering when produced.

27 b. A person selling an unpackaged food item on a retail
28 basis shall disclose whether the food item was or may have been
29 subjected to genetic engineering when produced.

30 2. The disclosure required in subsection 1 shall be printed
31 on a label. To every extent possible, the label shall be
32 placed in a clear and conspicuous manner on or in proximity to
33 the food item.

34 a. The label for a packaged food item shall resemble a
35 label listing food ingredients required for that food item or

1 comparable food item pursuant to 21 C.F.R. pt. 101.

2 **b.** The label for an unpackaged food item shall be consistent
3 with the labeling for bulk containers as provided in 21 C.F.R.
4 §101.100 et seq.

5 Sec. 5. NEW SECTION. **189B.5 Exception for small businesses.**

6 This chapter does not apply to a person who is a small
7 business as defined in section 15.102.

8 Sec. 6. NEW SECTION. **189B.6 Rules.**

9 The department shall adopt rules as necessary to implement
10 and enforce this chapter. The department may adopt rules
11 establishing labeling standards for specific food items, or a
12 category of food items, that differ from the labeling standards
13 provided in section 189B.4 as long as such standards provide
14 reasonable notice to the consumer of the information required
15 to be disclosed pursuant to that section.

16 Sec. 7. NEW SECTION. **189B.7 Penalties.**

17 1. A person manufacturing a packaged food item who fails to
18 comply with the labeling standards in section 189B.4 is subject
19 to a civil penalty of not more than one hundred dollars for
20 each packaged food item that is unlabeled and ultimately sold
21 or offered for sale on a retail basis in this state. However,
22 the person shall not be subject to a civil penalty of more
23 than ten thousand dollars for the sale or offer for sale of a
24 single manufactured lot of packaged food items, if the person
25 did not know that the packaged food items were subjected to
26 genetic engineering or the failure to comply with the labeling
27 standards was due to a malfunction of the manufacturing process
28 or inadvertence.

29 2. A person selling or offering to sell an unpackaged
30 food item on a retail basis and who fails to comply with
31 the labeling standards in section 189B.4 is subject to a
32 civil penalty of not more than one hundred dollars for each
33 unpackaged food item that is unlabeled and sold or offered
34 for sale on a retail basis in this state. However, the
35 person shall not be subject to a civil penalty of more than

1 one thousand dollars for the sale or offer for sale of a
2 single container of unpackaged food items, if the person did
3 not know that the unpackaged food items were subjected to
4 genetic engineering or the failure to comply with the labeling
5 standards was due to inadvertence.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill requires food items to be labeled with information
10 that identifies the food items as genetically modified. The
11 department of agriculture and land stewardship is responsible
12 for administering and enforcing the bill's provisions. A
13 person manufacturing a packaged food item must disclose whether
14 it was or may have been subjected to genetic engineering
15 when produced, and a person selling an unpackaged food item
16 on a retail basis must disclose whether it was or may have
17 been subjected to genetic engineering when produced. The
18 disclosure must appear on a printed label and either affixed
19 to a packaged food item or placed near a container holding
20 unpackaged food items. The label must be based on federal
21 ingredient labeling standards unless the department establishes
22 alternative standards. The bill creates an exception for a
23 small business which has either fewer than 20 employees or
24 an annual gross income of less than \$4 million. A person
25 manufacturing a packaged food item who fails to comply with
26 the labeling standards, or a person selling or offering to
27 sell an unpackaged food item on a retail basis and who fails
28 to comply with the labeling standards, is subject to civil
29 penalties. The civil penalty equals \$100 per food item that is
30 not labeled in compliance with the bill's provisions. However,
31 under certain circumstances a manufacturer's civil penalty is
32 capped at \$10,000 for the sale or offer for sale of a single
33 manufactured lot of packaged food items and a retail dealer's
34 civil penalty is capped at \$1,000 for the sale or offer for
35 sale of a single container of unpackaged food items.